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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,226	10/25/2005	Wilhelmus Jacobus Van Gestel	NL 030406	7948
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EXAMINER				
HASAN, SYED Y				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/554,226

**Applicant(s)**

VAN GESTEL ET AL.

**Examiner**

SYED Y. HASAN

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 - 6 and 10 is/are allowed.
- 6) ☒ Claim(s) 7 - 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments filed on 02/04/2010 regarding claims 1 - 10 have been fully considered but are moot in view of the new ground(s) of rejection.

Examiner has allowed the claim 1 limitation "message means for extracting messages from the data stream, the messages containing the application data objects and parsing means for generating application control information and control means for storing the messages in a message file separate from the real-time information as a series of the messages for the program and for storing the application control information in a message info file, the application control information including accessing information for accessing the messages in the message file". The same language for claim appears in claim 10, therefore both claims 1 and 10 and their dependent claims are allowed.

However the same limitation is not found in independent claims 7 and 8. These claims refer to reading from a record carrier but do not disclose the extracting, parsing and storing in a unique format. Therefore they are rejected and the details are provided below.

With regards to claim 7, Harrison et al discloses the limitation "retrieving messages from a message file based on accessing information included in the application control information, the messages containing the application data objects, and the message file having been stored separate from the real-time information." Harrison et al teaches that "Methods are provided for parsing, in a message parser P1,

P2 of a message processing system 1, a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to extract a corresponding data field from each message. The format is defined by format information which is **stored** in the system 1 and which indicates a name for each data field in a said set." (abstract) "One aspect of the present invention provides a method of parsing, in a message parser of a message processing system, a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to extract a corresponding data field from each message. The format is defined by format information **stored** in the system which indicates a name for each data field in said set." (para 0006) "after accessing the format information to determine the location of the required field in the message format, the message parser may **store** location data, defining the location, in a memory of the system. In such embodiments, the handle may comprise data indexing the **stored** location data, e.g. in the form of a pointer to a structure or index to a table in which the location data is **stored**." (para 0008) "In preferred embodiments therefore, where the **stored** format information defines the message format for a plurality of different types of message, the step of accessing the format information may be performed by the message parser in response to a handle request which indicates both the name of the required data field and the message type for the messages to be parsed, to determine the location of the required data field in a message of that message type." (para 0009) "Memory 5 of parsing apparatus 4 **stores** the usual format information which defines, for the different message formats, the arrangement of the named fields in the various types of message

handled by the system. Memory 5 is also used by parsing manager 6 in operation to **store** manager data pertaining to the parsing management functions described below."

(para 0028). "In response to a handle request, which indicates the name of a required data field, received from a component 2, 3, 6 of the system, the format information is **accessed** to determine the location of the required data field in a said message."

(abstract) "The method comprises: in response to a handle request, indicating the name of a required data field, from a component of the system, **accessing** the format information to determine the location of the required data field in said message, and supplying a handle, indicative of said location, to said component." (para 0006) "the step of **accessing** the format information may be performed by the message parser in response to a handle request which indicates both the name of the required data field and the message type for the messages to be parsed, to determine the location of the required data field in a message of that message type." (para 0009) "a message parser responsive to a handle request, indicating the name of a required data field, from a component of the system to **access** the format information to determine the location of the required data field in said message." (para 0010) "The parsing manager identifies the message format from the message header, and forwards the call to the corresponding parser which then parses the message in the usual way, **accessing** the format information if necessary to determine the location of the required field in the message." (para 0013)

Hence claims 1 – 6 and 10 are allowed and claims 7 – 9 are rejected. Details are provided below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US 2005/0015803) in view of Harrison et al (US 2002/0083210)

Regarding **claim 7**, Macrae et al discloses a device for reading information from a record carrier for rendering an enhanced user program (fig 3, para 0067, fig 4, para 0073 and fig 6, para 0081 illustrating playing as reading) said device comprising:

reading means for reading marks representing digitally encoded real-time information, including video information, encoded according to a predefined recording format (fig 3, para 0067, fig 4, para 0073 and fig 6, para 0081 illustrating playing as reading, para 0008 illustrates video information and fig 3, 62, para 0060, fig 4, 66, para 0066 and fig 6, 98, para 0085 recording, para 0057 and 0065 recording video and para 0090 illustrates MPEG signal which is predefined recording format) and control means for providing to a user at least one interactive application based on at least one subset of application data objects while rendering the real-time information, said control means retrieving application control information from a message info file (fig 3, 58, para 0059, fig 4, 70, para 0068 and fig 6, 104, para 0081 illustrate inputs for real-time information

and interactive application and abstract illustrates user interaction)

However Macrae et al does not disclose retrieving messages from a message file based on accessing information included in the application control information, the messages containing the application data objects, and the message file having been stored separate from the real-time information.

On the other hand Harrison et al teaches retrieving messages from a message file based on accessing information included in the application control information, (abstract, paras 0006, 0008, 0009 and 0028) the messages containing the application data objects, and the message file having been stored separate from the real-time information (abstract, paras 0006, 0009, 0010 and 0013) (see argument above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate retrieving messages from a message file based on accessing information included in the application control information, the messages containing the application data objects, and the message file having been stored separate from the real-time information as taught by Harrison et al in the system of Macrae et al in order to provide extracting the required data field from the message in each parsing request according to the location indicated.

Regarding **claim 9**, Macrae et al discloses the non-transitory record carrier wherein the message info file contains, as the accessing information for a message, at least one of the following items: a message number, the message number identifying the message in the series of the messages; a message type indicator; a start location in the message file; length of the message; end of the active period; number of a succeeding message (para 0106 illustrates a message type indicator)

**Claim 8** is rejected based on claim 7 above.

***Allowable Subject Matter***

4. Claims 1 – 6 and 10 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

The present invention of claims 1 – 6 and 10 is directed to a device for recording records digitally encoded video information on a record carrier according to a predefined recording format

Independent claim 1 identifies the unique distinct feature "message means for extracting messages from the data stream, the messages containing the application data objects and parsing means for generating application control information and control means for storing the messages in a message file separate from the real-time information as a series of the messages for the program and for storing the application control information in a message info file, the application control information including accessing information for accessing the messages in the message file."

The closest prior art, Macrae et al (US 2005/0015803) discloses recording means for recording marks representing digitally encoded real-time information, including video information, encoded according to a predefined recording format (fig 3, 62, para 0060, fig 4, 66, para 0066 and fig 6, 98, para 0085 recording, para 0057 and 0065 recording video and para 0090) and an input unit for receiving a data stream constituting an enhanced user program, the data stream comprising the real-time information and application data objects, at least one subset of the application data objects constituting data for providing to a user at least one interactive application while rendering the real-



time information (fig 3, 58, para 0059, fig 4, 70, para 0068 and fig 6, 104, para 0081).

However the Macrae et al fails to anticipate or render the above mentioned underlined limitations obvious.

Hence claim 1 is allowed.

Since claims 2 - 6 are dependent on claim 1, therefore they are allowed.

Independent claim 10 identifies the unique distinct feature "extracting messages from the data stream, the messages containing the application data objects; generating application control information; and storing the messages in a message file separate from the real-time information as a series of the messages for the program, and storing the application control information in a message info file, the application control information including accessing information for accessing the messages in the message file."

Hence claim 10 is allowed.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Horton (US 5969770) discloses animated "on-screen" display provisions for an MPEG video signal processing system

Vienneau et al (US 7427988) discloses method and apparatus for defining and distributing an animation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED Y. HASAN whose telephone number is (571)270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./  
05/06/2010

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621